

## Message Text

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ACTION AF-18

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 IO-14 DRC-01 /108 W

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R 211458Z MAY 74

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 9889

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

UNCLAS PRETORIA 2168

E.O. 11652: N/A

TAGS: PINT, SF

SUBJECT: SCHLEBUSCH TRIALS: CLEMINSHAW LOSES APPEAL,  
NAUDE VERDICT CHALLENGED.

1. MRS DOROTHY CLEMINSHAW, FORMER CHRISTIAN INSTITUTE (CI) MEMBER, LOST HER APPEAL MAY 20 AGAINST JANUARY 12 CONVICTION (PRETORIA 0209) FOR REFUSAL TO TESTIFY BEFORE SCHLEBUSCH COMMISSION ON SEPTEMBER 26, 1973. IN REACHING DECISION JUSTICES SNYMAN AND VILJOEN OF PRETORIA SUPREME COURT ALSO FOUND THAT JUDGMENT IN CASE OF DR. C.F. BEYERS NAUDE, ACQUITTED BECAUSE COMMITTEE WHICH CALLED FOR HIS TESTIMONY DID NOT LEGALLY CONSTITUTE SCHLEBUSCH COMMISSION ( PRETORIA 1015), WAS WRONG.

2. IT UNUSUAL FOR FULL COURT ( TWO OR THREE JUDGES) TO OVERRULE ANOTHER FULL COURT IN SAME DECISION WITHIN SO SHORT A TIME ( TWO MONTHS). CLEMINSHAW UNDECIDED ABOUT FURTHER APPEAL TO APPEAL COURT IN BLOEMFONTEIN. HOWEVER, SAG NOW LIKELY TO TAKE NAUDE CASE TO APPEAL COURT TO RESOLVE CONFLICTING SUPREME COURT DECISIONS NAD HAD ALREADY PRESERVED THIS OPTION BY FILING NOTICE TO APPEAL APRIL 2 (PRETORIA 1365).

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3. MR.K.D.M. MOODIE, TRANSVAAL ATTORNEY GENERAL, STATED  
MAY 20 THAT OTHER PENDING SCHLEBUSCH CASES WOULD NOT BE  
BROUGHT TO TRIAL UNTIL EITHER CLEMINSHAW OR NAUDE CASE  
DECIDED BY APPEAL COURT. SEVEN PEOPLE HAVE CASES PENDING:  
THEO KOTZE, CLIVE NETTLETON, DUDLEY HORNER, DANIE VAN ZYL,  
BRIAN BROWN, ROELFF MEYER, AND PETER RANDALL. JAMES MOULDER  
FOUND GUILTY AND APPEAL PENDING. ILONA KLEINSCHMIDT FOUND GUILTY ON  
APPEAL AND FINE PAID ( PRETORIA 1034).  
HORST KLEINSCHMIDT CANNOT NOW BE CHARGED BECAUSE HE WAS  
ACQUITTED MARCH 26 WHEN PROSECUTOR CONCEDED NAUDE DECISION  
BINDING ( PRETORIA 1251).

4. DETAILS OF COURT'S OPINION IN CLEMINSHAW APPEAL TO  
FOLLOW BY POUCH.  
HURD

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## Message Attributes

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